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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,274	02/27/2007	Takao Ozawa	050400	1467
23850 7590 11/29/2007 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005			EXAMINER DEBERADINIS, ROBERT L	
			ART UNIT 2836	PAPER NUMBER
			MAIL DATE 11/29/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/540,274

Applicant(s)

OZAWA ET AL.

Examiner

Robert DeBeradinis

Art Unit

2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

The reply filed 9/21/07 consists of amending claims 1,5 and remarks related to rejection of claims.

#### ***Response to Arguments***

Applicant's arguments, see remarks, filed 9/21/07, with respect to the rejection(s) of claim(s) 1,5 under WALLACE in view of SNYDER have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of CARLO et al. 4,958,084.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2 are rejected under 35 U.S.C. 102(b) as being anticipated by CARLO et al. 4,958,084.

#### **CLAIM 1**

CARLO et al. discloses a vehicle antitheft device mounted on a vehicle having a starter that starts an engine after in-vehicle equipment checks a radio signal from portable equipment by collation, the vehicle antitheft device comprising: an actuator to actuate a predetermined theft prevention function (70); a supplier to supply an electric current to in vehicle electric equipment other than the starter (col. 2, lines 65 plus), after

said collation is completed and but before electric current is sent to starter ; and a limiter to limit activation of said predetermined theft preventing function when a current is first supplied to said in-vehicle electric equipment.

## CLAIM 2

CARLO et al. discloses wherein said start operation means is a start switch that is operated to be a current supply permitting state to said in-vehicle electric equipment and a start permitting state of the engine stepwisely in that order; said in-vehicle equipment current supplying means permits a current supply to said in-vehicle electronic equipment by being operated to be in the current supply permitting state to said in-vehicle electronic equipment; and said activation limiting means limits said predetermined theft preventing function when the current supply to said in-vehicle electric equipment by said in-vehicle equipment current supplying means is started within a predetermined time period after said start operation means is operated to be in the current supply permitting state to said in-vehicle electric equipment (cols. 3,4,5).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3,5 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
CARLO et al. 4,958,084.

CLAIMS 3,5

CARLO et al discloses the vehicle antitheft device as claimed in claim 2.

CARLO et al does not specifically claim the push-type start switch.

The knowledge required to merely select a push button switch to provide the switching means to start the vehicle is considered to be within the knowledge one of ordinary skill would have. It would be obvious to use a push button switch if a key switch was not required to start the engine.

Claims 4,6,7,8 are rejected under 35 U.S.C. 103(a) as being unpatentable over CARLO et al. 4,958,084 in view of WALLACE 6,191,703.

CLAIMS 4,6,7,8

CARLO et al. discloses the vehicle antitheft device as claimed in claim 3 wherein the vehicle is equipped with a mechanical start device that starts the engine when an ignition operation is performed in a state where a key is inserted in an ignition key cylinder (obvious part of conventional vehicle starting system).

CARLO et al. does not disclose the predetermined theft preventing function includes at least a function to give warning when turn-On of an ignition is detected in a state where said key is not inserted in said ignition key cylinder.

WALLACE discloses detecting key in cylinder.

It would have been obvious to one having ordinary skill in the art at the time of this invention to have modified the anti-theft device to include an anti-theft warning

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device to sound to attract attention in the event the antitheft device was disabled and the vehicle started without the key in the key cylinder.

Any inquiry concerning this communication should be directed to Robert L. DeBeradinis whose number is (571) 272-2049. The Examiner can normally be reached Monday-Friday from 8:30 am to 5:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Michael Sherry, can be reached on (571) 272-2058. The Fax phone number for this Group is (571) 272-8300.

RLD

NOVEMBER 15, 2007

  
ROBERT L. DEBERADINIS  
PRIMARY EXAMINER